



# California Regional Water Quality Control Board

## San Diego Region

Winston H. Hickox  
Secretary for  
Environmental  
Protection

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Gray Davis  
Governor

November 25, 2002

**Item 11**  
**Doc 12**

Mr. Keith Lewinger  
General Manager  
Fallbrook Public Utility District  
990 E. Mission Road  
Fallbrook, California 92088-2290

Dear: Mr. Lewinger:

SUBJECT: PUBLIC HEARING SCHEDULED FOR DECEMBER 11, 2002—COMPLAINT  
No. R-9-2002-0308

This is in response to your letter dated November 15, 2002 requesting a rescheduling of the public hearing to the February 2003 Regional Board Meeting.

After review of your request and discussions with my staff, I have decided to go forward with the public hearing for the December 11, 2002 Regional Board Meeting.

You have mentioned that the California Court of Appeals is currently considering the issue of daily limitations for POTWs. I don't believe the consideration of this issue by the Court of Appeals should warrant any delay in the Regional Board's hearing of the subject mandatory minimum penalty complaint.

Also, a delay to February 2003 of the Board's consideration would not necessarily allow for greater use of any assessed penalties to be used for a supplemental environmental project. For a significant portion of the assessed penalties to be used in accordance with the recent amendments to California Water Code Section 13385, I would need to rescind the existing complaint and reissue a new complaint for the assessed amount in calendar year 2003.

If you have any questions or need more information, you can contact me at (858)467-2987 or Michael McCann at (858)467-2988.

Respectfully,

JOHN H. ROBERTUS  
Executive Officer

Cc: John Richards, Staff Counsel, Office of Chief Counsel, SWRCB, Sacramento, CA

**California Environmental Protection Agency**

The energy challenge facing California is real. Every Californian needs to take immediate action to reduce energy consumption. For a list of simple ways you can reduce demand and cut your energy costs, see our Web-site at <http://www.swrcb.ca.gov>.

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